

RAMIRO MORALES
State Bar No. 7101
MORALES FIERRO & REEVES
725 South Eighth St., Suite B
Las Vegas, NV 89101
Tel: (702) 699-7822
Fax: (702) 699-9455
rmorales@mfrlegal.com

Attorneys for Plaintiff
ST. PAUL FIRE AND MARINE
INSURANCE COMPANY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ST. PAUL FIRE AND MARINE
INSURANCE COMPANY, a Connecticut
corporation,

Plaintiff,

vs.

DEL WEBB COMMUNITIES, INC. an
Arizona corporation; TERRAVITA HOME
CONSTRUCTION COMPANY, an Arizona
corporation, and DOES 1 through 100,
inclusive,

Defendants.

CASE NO.: 2:12-cv-00674-APG-CWH

**ORDER DISMISSING FIRST, THIRD,
AND FOURTH CLAIMS FOR RELIEF**

STIPULATION

Plaintiff St. Paul Fire and Marine Insurance Company ("Plaintiff"), and Defendants Del Webb Communities, Inc. and Terravita Home Construction Company (collectively, "Defendants"), by and through their respective counsel of record, stipulate to the dismissal without prejudice of the First, Third, and Fourth Causes of Action in the Complaint, for the reasons set forth below:

WHEREAS, on March 19, 2013, this Court entered its Order (Document #20), ordering that Plaintiff's motion for summary adjudication of the second claim for relief (Document #12) is granted and ordering that Defendants' motion to dismiss (Document #14) is denied; and

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1 WHEREAS, the Order granting Plaintiff's motion for summary adjudication of the second
2 claim for relief renders the first, third, and fourth claims for relief in the Complaint moot;

3 The Parties hereby stipulate to dismissal without prejudice of the first, third, and fourth
4 claims for relief in the Complaint on grounds that they are moot in view of the Court's March 19,
5 2013 Order (Document #20).

6 IT IS SO STIPULATED.


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8 Dated this 21 day of May, 2013.

9 MORALES FIERRO & REEVES

10 By: 
11 Ramiro Morales, Nev. Bar No. 7101
12 725 South Eighth St., Suite B
13 Las Vegas, NV 89101
14 Tel: (702) 699-7822
15 Attorneys for Plaintiff
16 ST. PAUL FIRE AND
17 MARINE INSURANCE COMPANY

Dated this ___ day of May, 2013.

PAYNE & FEARS LLP

10 By: 
11 Scott S. Thomas, Nev. Bar No. 7937
12 Matthew L. Durham, Nev. Bar No. 10342
13 7251 W. Lake Mead Blvd., Suite 525
14 Las Vegas, NV 89128
15 Tel: (702) 382-3574
16 Attorneys for Defendants DEL WEBB
17 COMMUNITIES, INC. and TERRAVITA
18 HOME CONSTRUCTION COMPANY

17 **ORDER**

18 Having considered the Stipulation of the Parties, and good cause existing therefore,

19 The first, third, and fourth claims for relief in the Complaint ARE HEREBY DISMISSED
20 WITHOUT PREJUDICE as moot.

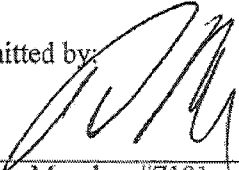
21 IT IS SO ORDERED.

22 Dated: May 21, 2013.

23 
24 Hon. Andrew P. Gordon
25 DISTRICT COURT JUDGE
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Submitted by:



Ramiro Morales, #7101
725 South Eighth St., Suite B
Las Vegas, NV 89101
Tel: (702) 699-7822
Attorneys for Plaintiff ST. PAUL FIRE AND
MARINE INSURANCE COMPANY